

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

ORIGINAL
WITH PROOF
OF SERVICE

75-7122

UNITED STATES COURT OF APPEALS

for the

SECOND CIRCUIT

DANIEL FRIEDLANDER, ISADORE JACOBS, HARRY RONIS, and STANLEY WEINREB, on
behalf of themselves, and all other persons similarly situated,

Appellants,

v.

JOSEPH CIMINO, M.D., individually and as Commissioner of the Department of
Health of the City of New York; the Department of Health of the City of New
York; the Board of Health of the City of New York; GORDON CHASE, individu-
ally and as Administrator of the Health Services Administration, and the
Health Services Administration; HOLLIS S. INGRAHAM, M.D., individually and
as Commissioner of the Department of Health of the State of New York and
the Department of Health of the State of New York; the Public Health Coun-
cil of the Department of Health of the State of New York; CASPER WEINBERGER,
individually and as Secretary of the Department of Health, Education, and
Welfare of the United States of America and the Department of Health, Edu-
cation, and Welfare of the United States of America,

Appellees.

ON APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

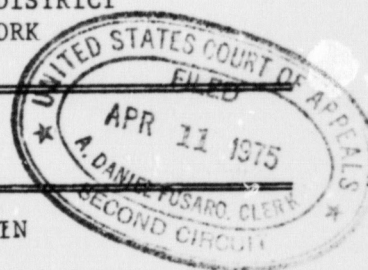
SUPPLEMENTARY APPENDIX

ROTHBLATT, ROTHBLATT, SEIJAS & PESKIN
Attorneys for Appellants
232 West End Avenue, New York, N. Y. 10023

HON. PAUL CURRAN
United States Attorney
United States Courthouse, Foley Square, New York, N. Y.

HON. LOUIS LEFKOWITZ
Attorney General of the State of New York
2 World Trade Center, New York, N. Y.

W. BERNARD RICHLAND, ESQ.
Corporation Counsel of the City of New York
Municipal Building, New York, N. Y.



PAGINATION AS IN ORIGINAL COPY

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EXHIBIT TO SYLVIA BEATTI'S AFFIDAVIT
THE CITY OF NEW YORK - DEPARTMENT OF HEALTH - BUREAU OF LABORATORIES

Division of Laboratory Improvement
435 First Avenue, New York, N.Y. 10010

71H370

210

REPORT OF FINDINGS OF PERFORMANCE TEST

LABORATORY												ADDRESS												DATE SPECIMENS RECEIVED											
WASSAU DIAG												918 CORNAGA AVE												9/30/71											
3												3																							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15																					

ENCLOSURE		<input type="checkbox"/> AUTOMATED		<input type="checkbox"/> OTHER (SPECIFY)		16	17
SPECIMEN NO. 1		EXAMINATION PERFORMED BY:		SPECIMEN NO. 2		EXAMINATION PERFORMED BY:	
LAB RESULT		H/D EVALUATION		LAB RESULT		H/D EVALUATION	
L. 18-19-20 (23 DECIMAL ONLY)				COL. 22-23-24 (24 DECIMAL ONLY)		25	

EMATOCRIT:		<input type="checkbox"/> AUTOMATED		<input type="checkbox"/> OTHER (SPECIFY)		26	27
SPECIMEN NO. 1		EXAMINATION PERFORMED BY:		SPECIMEN NO. 2		EXAMINATION PERFORMED BY:	
LAB RESULT		H/D EVALUATION		LAB RESULT		H/D EVALUATION	
L. 30-31-32 (33 DECIMAL ONLY)		31		COL. 32-33-34 (34 DECIMAL ONLY)		35	

		<input type="checkbox"/> AUTOMATED		<input type="checkbox"/> MANUAL			
SPECIMEN NO. 1		EXAMINATION PERFORMED BY:		SPECIMEN NO. 2		EXAMINATION PERFORMED BY:	
LAB RESULT		H/D EVALUATION		LAB RESULT		H/D EVALUATION	
L. 37-38-39 (40-39 DECIMALS)		40		COL. 41-42-43 (42-43 DECIMALS)		44	

		<input type="checkbox"/> AUTOMATED		<input type="checkbox"/> MANUAL			
SPECIMEN NO. 1		EXAMINATION PERFORMED BY:		SPECIMEN NO. 2		EXAMINATION PERFORMED BY:	
LAB RESULT		H/D EVALUATION		LAB RESULT		H/D EVALUATION	
L. 46-47-48 (47-49 DECIMALS)				COL. 49-50-51 (51-52 DECIMALS)		53	

EXAMINER	LATE - NOT RECALIBRATED	REFERENCE LAB	REFERENCE LAB
71	COL. 78	COL. 79	COL. 80

REMARKS: PLEASE NOTE 71H3708-1 MARKEDLY HEMOLYZED

Specimens 1 week in transit did NOT perform tests. CANNOT DEFORM TESTS. KEEPING VIALS IF YOU WANT THEM

ABOVE FINDINGS NOTED BY ☐ LAB DIRECTOR ☐ PERSON-IN-CHARGE

SIGNATURE: H. Davis DATE: 9/30/71

EXHIBIT TO SYLVIA BLATT'S AFFIDAVIT

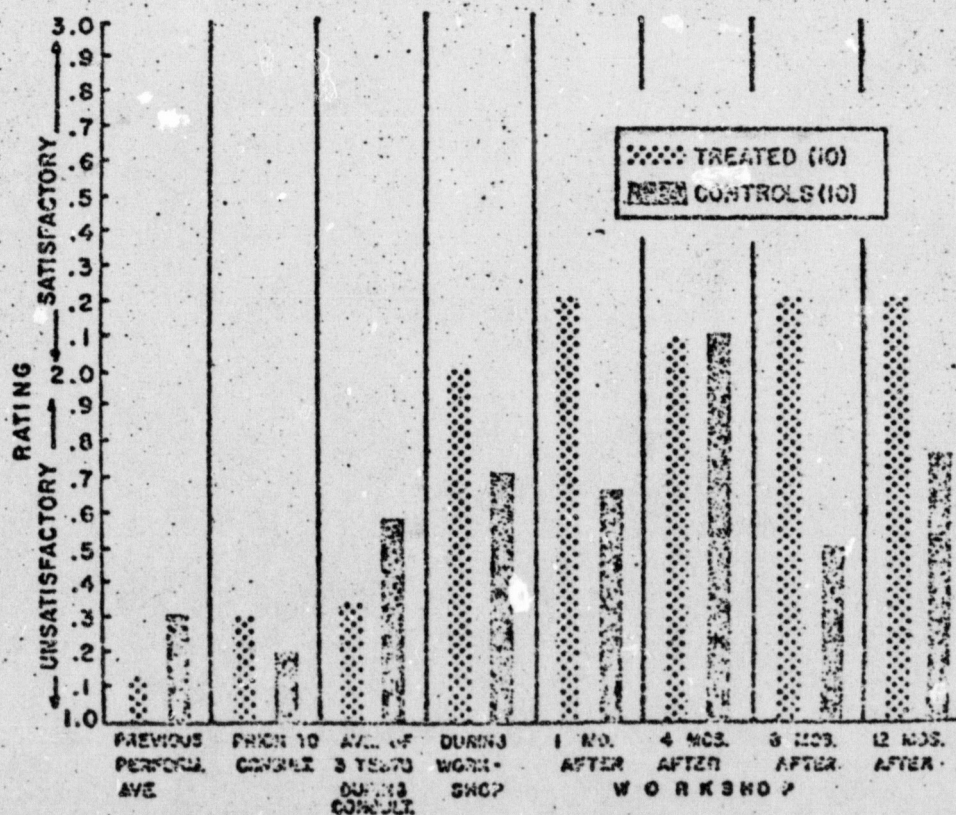


Figure 1—Effect of training on performance in clinical bacteriology—Group I.

SA-2

EXHIBIT 3

EXHIBIT TO SYLVIA BLATT'S AFFIDAVIT

Table 1. Performance tests in bacteriology, serology, and clinical chemistry of clinical laboratories, New York City, 1960-64

Type of laboratory and date	Bacteriology			Serology			Clinical chemistry		
	Number tested	Unsatisfactory		Number tested	Unsatisfactory		Number tested	Unsatisfactory	
		Number	Percent		Number	Percent		Number	Percent
Proprietary hospital:									
1960-62	31	23	84	22	3	14.0	35	19	51
1963	51	14	45	46	14	21.7	69	17	25
1964	49	19	39	39	4	10.0	68	17	25
Voluntary hospital:									
1960-62	60	39	65	55	5	9.0	68	22	32
1963	25	7	28	95	9	9.5	120	16	13
1964	54	26	48	44	8	18.0	66	10	15
Commercial:									
1960-62	87	69	80	120	21	18.0	140	57	38
1963	30	2	73	144	20	14.0	195	32	16
1964	50	2	32	69	13	19.0	1000	18	18

Table 2. Data

EXHIBIT TO SYLVIA BLATT'S AFFIDAVIT

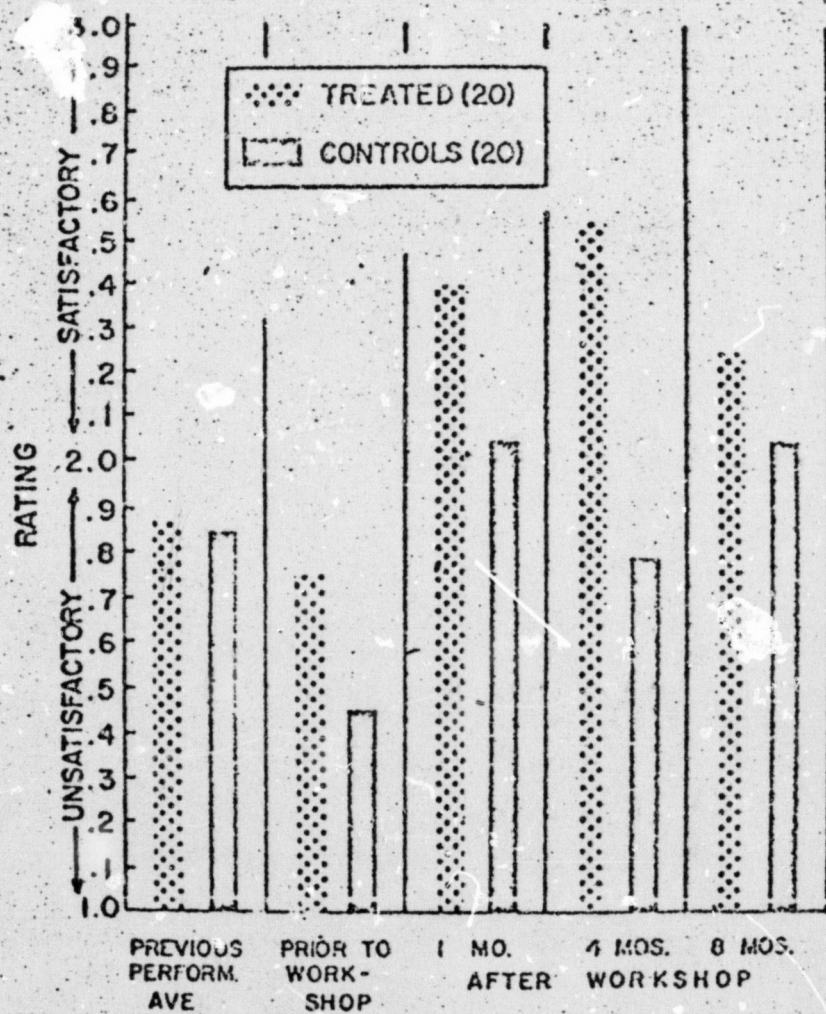


Figure 2—Effect of training on performance in clinical bacteriology—Group II.

EXHIBIT TO SYLVIA BLATT'S AFFIDAVIT

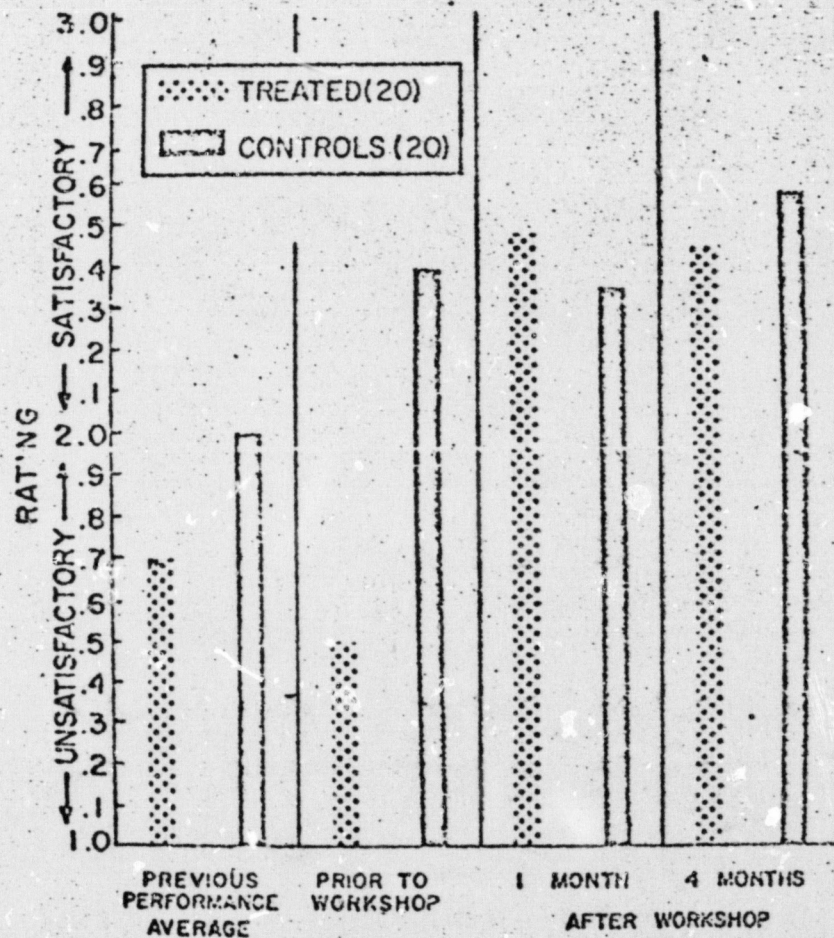


Figure 3—Effect of training on performance in clinical bacteriology—Group III.

OCTOBER, 1970

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EXHIBIT 5

SA-5

EXHIBIT-TO SYLVIA BLATT'S AFFIDAVIT

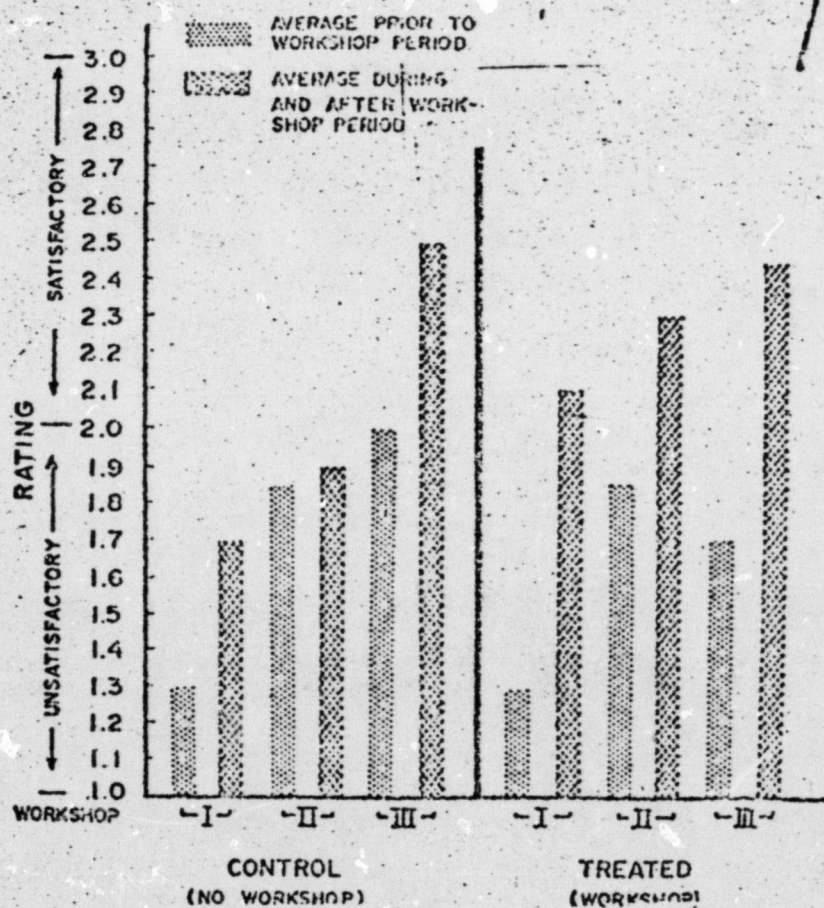


Figure 4—Comparison of average results of proficiency tests—bacteriology.

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

The City of New York—Department of Health—Bureau of Laboratories
 DIVISION OF LABORATORY IMPROVEMENT
 455 First Avenue, New York, N.Y. 10016

REPORT OF FINDINGS OF PERFORMANCE TESTS FOR CHEMISTRY AND SYPHILIS SEROLOGY

NAME OF LABORATORY		ADDRESS		DATE	
FRIEDLANDER DIAGNOSTIC		2428 GRAND CONCOURSE		6/14/73	
SPECIMEN NO.	TYPE OF TEST	METHOD	LAB FINDINGS	ANALYST	H. D. FINDINGS
30 A	VDRL	VDRL	POS 1:2		
B	STS	"	POS UNDIWIDED		
C	"	"	POS 1:16		
D	"	"	POS 1:4		
E	"	"	WRKLY POS +/-		
SPECIMENS CLOUDY WITH BACTERIAL CONTAMINATION					

TESTS PERFORMED BY

ABOVE FINDINGS OF PERFORMANCE TEST HAVE BEEN NOTED BY:

☒ LABORATORY DIRECTOR☐ PERSON IN CHARGE

SIGNATURE

DATE

COMMENTS:

SIGNATURE OF HEALTH DEPARTMENT EXAMINER

SA-7

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

NEW YORK CITY DEPARTMENT OF HEALTH
BUREAU OF LABORATORIES
DIVISION OF LABORATORY IMPROVEMENT
455 FIRST AVENUE, NEW YORK, N.Y. 10016

SYPHILIS SEROLOGY PROFICIENCY TEST REPORT

LAB. NO. 97

SERIES 73STS25

DATE June 1973

LABORATORY EVALUATION IS:

SATISFACTORY

UNSATISFACTORY

YOUR RESULTS

Specimen	A	<u>Pos 1:2</u>
Specimen	B	<u>Pos undiluted</u>
Specimen	C	<u>Pos 1:16</u>
Specimen	D	<u>Pos 1:4</u>
Specimen	E	<u>Weakly Pos</u>

REFERENCE LABORATORY RESULTS

Reactive 1:1

Non-Reactive

Reactive Undiluted 1:8

Reactive 1:2

Non-Reactive

COMMENTS:

Acceptable Value = \pm 1 dilution from the reference laboratories' value.
Satisfactory = 80% of laboratory results acceptable.
Unsatisfactory = Less than 80% of laboratory results acceptable.

340-4

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

NEW YORK CITY DEPARTMENT OF HEALTH
BUREAU OF LABORATORIES
DIVISION OF LABORATORY IMPROVEMENT
455 FIRST AVENUE, NEW YORK, N.Y. 10016

Date: June 27/73

+ Dr. Daniel E. Friedlander Dir.
Friedlander Diag. Lab.
2488 Grand Concourse
+ Bronx, NY 10458 +

Dear Dr. Friedlander:

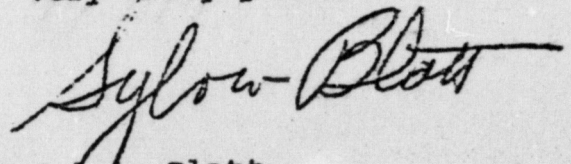
It has come to our attention that your laboratory performed unsatisfactorily on the most recent proficiency test in Syphilis Serology, series 73 Ss 25.

You are strongly urged to review your procedures and techniques in Syphilis Serology.

Would you please submit the plans you intend to institute to bring your performance in this specialty within the acceptable limits.

You are advised that continued poor performance in Syphilis Serology is a basis for withdrawal of certification to perform permarital tests.

Very truly yours,



Sylvia Blatt
Assistant Director

DLI #7334

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

FRIEDLANDER DIAGNOSTIC LABORATORY

WAGNER BUILDING

2488 GRAND CONCOURSE

BRONX, N. Y. 10458

TEL. 298-6837

July 3, 1973

Miss Sylvia Blatt, Asst. Dir.
Bureau of Laboratories
Division of Lab. Improvement
NYC Dept. of Health
455 First Avenue
New York, NY 10016

Dear Miss Blatt:

I am writing to you about
the Unsatisfactory evaluation in Syphilis
Serology series 73 STS 25.

The specimens I received on
June 14th last were dated June 7, 1973 and
were grossly contaminated with bacteria, a
fact which I noted on my report. As you
know, the Health Code forbids the acceptance
by laboratories of contaminated specimens.
Since I did perform the tests required, I
want you to know that my control sera:
1:8, 1:2 and Negative checked out perfectly,
as they have prior to the performance test
and since. My test results of positive sera
were 1 dilution titer higher but still within
acceptable range. The so called deficiencies
were in the negative sera, which I reported
as positive undiluted and plus/- respectively.
All of these findings were the result of your
contaminated sera.

Very truly yours,

David E. Friedlander
David E. Friedlander, M.D.
Director



DEPT. OF HEALTH PERMIT 30,030



DEPARTMENT OF HEALTH
BUREAU OF LABORATORIES
DIVISION OF LABORATORY IMPROVEMENT
455 FIRST AVENUE, NEW YORK, N. Y. 10016
Telephone: 340-4452

July 10, 1973

Mr. Daniel E. Friedlander
Director
Friedlander Diagnostic
Laboratory
2488 Grand Concourse
Bronx, New York 10458

Dear Mr. Friedlander:

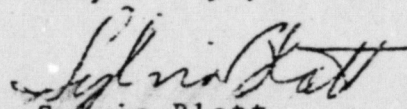
Thank you for your letter of July 3, 1973 in reference to your proficiency test in syphilis serology, series 73STS25.

You did note, on the proficiency test report, that the specimens were cloudy with bacterial contamination.

Therefore, we are disregarding this test result for your laboratory.

We are sorry for this inconvenience.

Very truly yours,


Sylvia Blatt
Assistant Director

SB/oc

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

This is the Rh History-Report Form.

Results of test will be mailed back to you on this form.

Print your name and address clearly to avoid loss in mail.

A separate specimen and request slip are required for the serology test for syphilis.

Name of patient must appear on tube.

Use dry syringe and test tube—Collect 8-10ml. of Clotted Blood—Do NOT FREEZE.

Form must be completely filled in.

FILL IN THESE ITEMS

Patient	(Please Print or Type)	Age	Sex	Race	E.D.D.
Address		Boro		Zone	

BLOOD TYPING TEST — Date _____

Number of This Pregnancy		Stillbirths	Erythroblastosis
<input type="checkbox"/> None	<input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> More	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Blood Transfusions: Number _____		Reactions _____	
Last Health Dep't. Rh Test: Date _____		Lab. Number _____	
Is Specimen from Husband		Lab.	
<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, enter: Wife's Name _____		<input type="checkbox"/> Yes <input type="checkbox"/> No	

IMPORTANT: DO NOT WRITE IN THIS BOX

RESULT—See Other Side

Blood Group _____	Rh Type _____
Antibodies _____	

(Please Print or Type)		
Dr.		
Address	Boro	Zone

Bureau of Laboratories—Department of Health—The City of New York
455 First Avenue, New York, N. Y. 10016

900N (Rev. 8/68)-750M-702599(70)

MEDICAL ASSISTANCE PROGRAM

330 West 34th Street
New York, N. Y. 10001

DEPARTMENT OF HEALTH

DEPARTMENT OF SOCIAL SERVICES

TO: Podiatrists

DATE: August 21, 1972

Subject: LABORATORY SERVICES PERFORMED BY PODIATRISTS

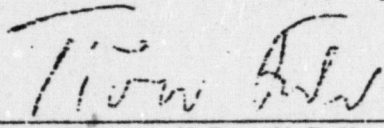
Podiatry services include provision or ordering of laboratory tests that are related to the legal scope of podiatry practice and that are necessary for the diagnosis or treatment by the podiatrist of a condition of the foot.

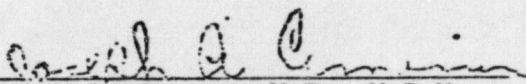
Effective September 1, 1972, a podiatrist may perform the laboratory tests listed below, in his office, for his own patients only. Billing for these tests will be on Form W-303G, "Invoice For Doctor's Services."

<u>Code No.</u>	<u>Procedure</u>	<u>Value</u>
L112	Hemoglobin determination	1.30
L113	White cell count	1.60
L114	White cell count, differential	1.60
L115	Complete blood count	4.00
L146	Hematocrit (packed cell volume or PCV)	1.30
L194	Sedimentation rate	2.00
L577	Routine chemical urinalysis, qualitative (sugar, protein, acetone, etc.)	1.00
L578	Routine microscopic urinalysis	1.00

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

All other laboratory procedures required in the practice of podiatry must be performed by a laboratory holding a valid clinical permit in the categories for which payment is requested. Department of Health/Department of Social Services Memorandum, dated March 11, 1971, entitled "Laboratory Billing Procedure" and its addendum of July 14, 1971 entitled "1. Laboratory Billing Procedure and 11. Out-of-State Laboratories" contain instructions regarding referral to such laboratory; this memorandum was distributed to all podiatrists at time of issue.


Tibor Fodor, M.D., N.P.H.
Executive Medical Director


Joseph A. Cimino, M.D., M.P.H.
Commissioner of Health

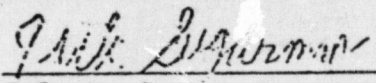

Jule M. Sugarman
Commissioner of Social Services

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

CLINICAL LABORATORY DIRECTORS OF N.Y.S., INC.

1780 BROADWAY
NEW YORK, N. Y. 10019
(212) 581-8730

March 10, 1970

Henry I. Fineberg, M.D.
Secretary, Medical Society of
the State of New York
750 Third Avenue
New York, New York 10017.

BILL — \$740.50 — ATTACHED

Dear Dr. Fineberg:

Attached please find bill in the amount of \$740.50 representing charges made by physicians for laboratory tests. Upon receipt of this amount, we, in turn shall send the refunds to the patients noted. We have recently received correspondence from other patients who have sent us their bills rendered by physicians with laboratory charges. We are presently tracking these down and we shall communicate with you about these also.

Since the Medical Society of the State of New York and some of your affiliated County Medical Societies have consistently opposed legislation to protect the consumer patients, we deem it proper for you to pay this bill. We have telegram you sent to legislators — "The Medical Society of the State of New York strongly opposes enactment of — in relation to payment of clinical laboratory services. — — — Experience has demonstrated physicians are thus able to provide better service to patients at considerably lower cost because of contract clinical laboratories and better medical care is thereby available to the public at economical cost."

The facts belie your telegrams.

The attached bill consists of a partial list of physicians and their charges to patients for laboratory tests done at: (1) "Contract" labs which give physicians unlimited number of lab tests for unlimited numbers of patients for a pittance monthly fee payable to lab by PHYSICIAN (2) Other economic gimmick labs to which PHYSICIAN also makes payment (3) N.Y.C. Health Department — FREE (taxpayer paid) tests.

Amongst the physicians listed, interestingly, two are former presidents of County Medical Societies, both of whom during their tenure wrote to legislators opposing consumer protection legislation for patients, a third was a member of the Executive Committee of a County Medical Society and a fourth is, to best of our knowledge, affiliated with Blue Cross — Blue Shield!

As you well know, the American Medical Association, your parent organization, has stated publicly and clearly — direct payment of lab fees by PATIENTS to LABORATORY.

Please communicate with me so that we can set a mutually satisfactory appointment to go over all details — charges of physicians, with lab test results with resultant anxiety to patients, plus additional costs to patients going to other physicians and other labs for repeat tests, "examinations" by physicians consisting of lab tests only etc.etc..

Sincerely,
Rose L. Berman
Rose L. Berman
President

C.C. State Legislators, N.Y.S. Health Dept.,
N.Y.C. Health Services Administration,
N.Y.C. Health Dept., N.Y.S. Education Dept.

Sent CERTIFIED MAIL — No. 078826
Return Receipt Requested

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

(1)

Medical Society of the State of New York

Att. - Henry I. Fineberg, M.D., Secretary

---(*)= incorrect lab test results; extra expenses incurred by patient

- 1- Dr. Jerome Flynn
610 West 148 St., N.Y.C.
\$10.00 - Vera Bunch
- 2- Dr. Norman Deane
112 East 74 St., N.Y.C.
\$98.00 - King Sook Chin
- 3- Dr. Leonard Felder
20 Fifth Avenue, N.Y.C.
\$30.00 (*) - Margaret Cotter
- 4- Dr. Jack J. Squire
38 East 61 St., N.Y.C.
\$10.00 - Constance Gauthier
- 5- Dr. Joseph Bandes
440 East 62 St., N.Y.C.
\$10.00 (*) - Monique French
- 6- Dr. Lawrence Greene
125-10 Queens Boulevard
Kew Gardens, Queens, N.Y.
\$10.00 (*) - Susan Stark
- 7- Dr. William P. Clark
183 Beech St., Eastchester, N.Y.
\$10.00 - Jean Nerfin
- 8- Dr. Ernest M. Thorn
87-11 Eliot Ave., Rego Park, Queens
\$85.00 - Betty Donnenreich
- 9- Dr. Irving Ocko
357 West 55 St., N.Y.C.
\$10.00 - Carmel Colaghan
- 10- Dr. Arnold Lam
207 West 106 St., N.Y.C.
\$10.00 (*) - Velma Almont
- 11- Dr. Aron D. Ruchocki
3604 Broadway, N.Y.C.
\$10.00 - Margaret Brown
- 12- Dr. Alfred Moldavan
1800 Lexington Ave., N.Y.C.
\$5.00 - Judy Cubille
- 13- Dr. Milton M. Lowy
1800 Grand Concourse, Bronx
\$20.00 (*) - Felix Navarro
- 14- Dr. Seymour L. Halpern
146 Central Park West, N.Y.C.
\$40.00 - Bessie Lichtenstein
\$62.00 (*) - Charlotte and
Florence Bernstein

- 15- Dr. Leonard Zweibel
145 West 58 St., N.Y.C.
\$10.00 - Ann Hartwell
- 16- Dr. George A. Lustig
1150 Grand Concourse, Bronx
\$10.00 - Daniel Frank
- 17- Dr. Irving Graef
791 Park Avenue, N.Y.C.
\$65.50 - David Lazer
- 18 - Dr. ?
\$75.00 - A. Lewis
- 19- Dr. Benjamin Sevin
1151 Elder Ave., Bronx
\$7.00 - Elaine Mason
- 20- Dr. Seymour Zuckerman
871 Ocean Ave., Brooklyn
\$10.00 - Marilyn Friehe
- 21- Dr. Milton C. Kern
20 Maple Drive, Great Neck, L.I.
\$15.00 - Victoria Lowmes
- 22- Dr. Cleo J. Froix
40 West 135 St., N.Y.C.
\$25.00 (*) - Jewell Davis
- 23- Dr. Frances J. Loperfido
2205 Wallace Ave., Bronx
\$10.00 - Leon Lazarow
- 24- Dr. Joseph F. Atanasio
437 - 77 Street, Brooklyn
\$20.00 (*) - Ralph Bonavito
- 25- Dr. Louis Lapid
2 East 93 Street, N.Y.C.
\$10.00 - Debbie Schlein
- 26- Dr. Edwin Matlin
220 Stewart Ave., Garden City, L.I.
\$36.00 - Muriel Fialkow
- 27- Dr. Paul Lepore
237 East 116 Street, N.Y.C.
\$10.00 - Serafina Serrano
- 28- Dr. Abraham Brookner
800 Grand Concourse, Bronx
\$7.00 - Vivian Black
- 29- Dr. Stanley Wittenberg
40 Park Ave., N.Y.C.
\$10.00 (*) - Anna Fine

TOTAL - \$740.50

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

Sent CERTIFIED MAIL -

No. 565976 - Return

Receipt requested CLINICAL LABORATORY DIRECTORS OF N.Y.S., INC.

1780 BROADWAY
NEW YORK, N. Y. 10019

(212) 561-8730

April 6, 1970

<u>PREVIOUS BILLS RENDERED - 3/10/70</u>	\$ 740.50
<u>BILLS RENDERED TODAY - 4/6/70</u>	120.00
TOTAL - - -	\$ 860.50

Henry I. Fineberg, M.D.
Secretary, Medical Society of the
State of New York
750 Third Avenue
New York, New York 10017

Dear Dr. Fineberg:

We wrote to you on March 10, 1970 asking for a mutually satisfactory appointment to be made. All we have received from you is TOTAL SILENCE.

Attached please find c.c. of letters sent today to Dr. Josue Corcos, Dr. Louis J. Rosenfeld and Dr. Joseph A. Pincus re lab tests - KINGS COUNTY RESEARCH LABORATORIES - contract lab - unlimited number of lab tests for unlimited number of patients for pittance monthly fee payable to lab by PHYSICIAN. Further bills rendered by other physicians are being worked on also.

It is difficult to understand your silence since you were a member of the House of Delegates of the AMERICAN MEDICAL ASSOCIATION which, on July 14, 1969 adopted the report of the Judicial Council of the A.M.A. as official policy of the A.M.A., at its convention in N.Y.C. - "that the laboratory, NOT the attending physician, bill and collect from the patient or third party payor for laboratory services." - and re the attending physician - "He is not engaged in a commercial enterprise, however, and any markup, commission, or profit on the services rendered by a laboratory is EXPLOITATION OF THE PATIENT."

Weren't you also an unsuccessful candidate for President of the A.M.A.?

IT DOES APPEAR THAT THE HIPPOCRATIC OATH HAS BECOME THE HYPOCRITIC OATH

Re bills in State Legislature - CONSUMER PROTECTION BILLS -

< A.274 (Cal.No.1014) - S. 1975 (GENERAL LAWS COMMITTEE)

A.276 (EDUCATION COMM.) - J. 1966 (EDUCATION COMM.) >

the combination of LOBBYISTS combined to fight for continuation of EXPLOITATION of the people - the patients - is indeed the FARCE OF THE CENTURY -

Former Assemblyman George FOY - YOUR LOBBYIST

Former Assembly Speaker Joseph CARLINO - KINGS COUNTY RESEARCH LABS. LOBBYIST

EXPLOITER PICKPOCKETS UNITED WITH VEHICLE FOR PICKPOCKETS.

You have money for lobbyist to fight against the PEOPLE, then you have money for making restitution to the exploited PEOPLE. When shall we hear from you? We have no hesitancy in releasing the names of the physicians to the public.

C.C. State Legislators, N.Y.S. Health Dept.,
N.Y.C. Health Services Administration,
N.Y.C. Health Dept., N.Y.S. Education Dept. SA-17

Sincerely,
Rose L. Berman
Rose L. Berman
President

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT

CLINICAL LABORATORY DIRECTORS OF N.Y.S., INC.

1780 BROADWAY
NEW YORK, N. Y. 10019

April 6, 1970

Dr. Louis J. Rosenfeld (and Mrs. Eliz. Rosenfeld)
55 East 9 Street
New York, New York 10003

Re: Mrs. Rhoda Goldman

Dear Dr. Rosenfeld:

Last Wednesday I received Mrs. Rosenfeld's note, postmarked March 16, 1970, obviously held up by mail strike, re Mrs. Goldman's laboratory tests. I spoke with your wife on the telephone at which time she advised me (3/12/70) that she was sending me the information, that the laboratory which performed the tests was the Kings County Research Laboratories and that all patients in your office have the same set of tests performed.

Mrs. Goldman has turned over to us the bill you rendered to her, a total of \$212.00 for her ONE visit to you, of which \$42.00 was for laboratory tests.

We are certain that no reminder is needed by you that this laboratory - Kings County Research Laboratories is a contract laboratory - unlimited numbers of tests on unlimited numbers of patients for a pittance monthly fee payable to the laboratory by the PHYSICIAN.

By RETURN MAIL, we expect your check in the amount of \$42.00, made out to Mrs. Rhoda Goldman. We shall be delighted to give Mrs. Goldman the check and show her that consumer protection has meaning indeed.

Sincerely,

Rose L. Berman
Rose L. Berman
President

C.C. Mrs. Rhoda Goldman
Dr. Henry I. Pineberg, Secretary, Medical
Society of the State of New York
State Legislators, N.Y.S. Health Dept.,
N.Y.C. Health Dept., N.Y.S. Education Dept.

Sent Certified Mail - No. 565975 - Return Receipt Requested

ONE VISIT - TOTAL BILL RENDERED
\$ 212.00 !!!

EXHIBIT TO ROSE BERMAN'S AFFIDAVIT
CLINICAL LABORATORY DIRECTORS OF N.Y.S., INC.

1780 BROADWAY
NEW YORK, N. Y. 10019
(212) 581-8730

May 7, 1970

Henry I. Fineberg, M.D.
Secretary, Medical Society of the
State of New York
750 Third Avenue
New York, New York 10017

Dear Dr. Fineberg:

Enclosed please find C.C. of my today's letters to:

Dr. John P. Glaubitz, President Nassau County Medical Society

Dr. Louis J. Rosenfeld

Mr. Elis Hemberg

It is not surprising at all that you haven't moved a finger to protect the people. You haven't moved to contact me for a mutually satisfactory appointment, you haven't moved to help patients. What you have done is truly remarkable - continued on with your fight to protect the pocketbooks of your colleagues. And, of course, to notify your members to be sure to write or send telegram to the Governor to veto A.274. After all - MSSNY must see to it that physicians can go on in their usual fashion.

Aren't you ashamed that YOU did NOT move a finger for the patient noted above, Mr. Elis Hemberg? It is indeed a sad commentary that WE worked for the patient's interest and obtained the refund for him. Would you agree that MSSNY (Medical Society of the State of New York) might show it's true colors if it changed MSSNY to MONEY SOCIETY of the State of New York?

You still have not replied to my letters of March 10, 1970 and April 6, 1970. When may I expect your replies?

Sincerely,

Rose L. Berman
Rose L. Berman

Received ¹ 3 copies of the within
Supplementary Appendix
this 27 day of March, 1975.

Sign _____

For: Hon Louis J. Lefkowitz Esq(s).

Att'ys for State of N.Y. Appellee

Received ¹ 3 copies of the within
Supplementary Appendix
this 27 day of March, 1975.

Sign _____

For: W. Bernard Richman Esq(s).

Att'ys for Appellee

Received 3 copies of the within
Supplementary Appendix
this 27 day of March, 1975.

Sign Paul J. Curran *per Paul Curran*

For: Paul Curran Esq(s).

Att'ys for Appellee

COPY OF THE WITHIN PAPER
RECEIVED
DEPARTMENT OF LAW

MAR 27 1975

NEW YORK CITY OFFICE

Louis J. Lefkowitz
ATTORNEY GENERAL